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August 23, 2021

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Honorable Claire C. Cecchi
United States District Judge, District of New Jersey
Martin Luther King Building & U.S. Cthse, Room MLK 5B
50 Walnut Street #4015
Newark, NJ 07101

Re: *Kurlansky, et. al. v. 1530 Owners Corp., et. al.* – 2:21-cv-12770-CCC-JSA

Dear Judge Cecchi:

On behalf of plaintiffs Paul Kurlansky, Helaine Kurlansky, Martin Epstein, Herbert Ennis, Judith Ennis, Mordecai Appleton, Henry Katz, Lila Katz, Joan Katz, Glenn Katz, and Judith Singer (collectively “Plaintiffs”) and defendants 1530 Owners Corp., Moe Marshall, Ellen Gerber, Kenneth Lipke, Carol Lichtbraun, Justin Wimpfheimer, Patricia Di Constanzo, Mark O’Neill, and Firstservice Residential (collectively “Defendants”) the undersigned counsel writes to inform the Court that Plaintiffs and Defendants have entered into a Settlement Agreement resolving all claims asserted against Defendants in the action entitled *Kurlansky, et al. v. 1530 Owners Corp., et al.*, 2:21-cv-12770-CCC-JSA (the “Action”).

Pursuant to the terms of the Settlement Agreement, the parties have agreed to jointly request that this Court retain jurisdiction to enforce the terms of this Agreement. The relevant provision of the Agreement is attached at Exhibit A. Plaintiffs are happy to file a copy of the full Settlement Agreement under seal should the Court find it helpful. Because court protection remains essential to Plaintiffs and Defendants, Plaintiffs and Defendants hereby respectfully request that the Court retain jurisdiction over any and all disputes arising or otherwise relating to the construction and enforcement of the Settlement Agreement.

In this regard, Plaintiffs note that in other cases involving religious liberties that were settled, Judge John Michael Vazquez, United States Judge for the District of New Jersey, agreed to retain jurisdiction over the settlement agreements reached in those cases with virtually identical provisions as set out in Exhibit

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A.¹ The Court in *Tenafly Eruv Ass'n, Inc. v. Borough of Tenafly* also retained jurisdiction.² Additionally, Judge A. Kathleen Tomlinson, United States Magistrate Judge for the Eastern District of New York, agreed to retain jurisdiction over the settlement agreements reached in religious liberty cases.³ Thankfully, the Courts' services have not been required.

Under the terms of the Settlement Agreement, Plaintiffs and Defendants will jointly file a stipulation of dismissal of the Action within the agreed-upon period. Plaintiffs and Defendants respectfully request that the Court so-Order this letter request, as well as the joint stipulation of dismissal when it is filed.

¹ See Order, *Bergen Rockland Eruv Assoc., Inc*, et al. v. *The Township of Mahwah*, 2:17-cv-06054 (D.N.J.) (JMV) (Dkt. No. 24) (Feb. 15, 2018); Order, *Bergen Rockland Eruv Assoc., Inc.*, et al. v. *The Borough of Montvale*, 2:17-cv-08632 (D.N.J.) (JMV) (Dkt. No. 16) (Feb. 15, 2018); *Bergen Rockland Eruv Assoc., Inc.*, et al. v. *The Borough of Upper Saddle River*, 2:17-cv-05512 (D.N.J.) (JMV) (Dkt. No. 55) (Apr. 19, 2018).

² *Tenafly Eruv Ass'n, Inc. v. Borough of Tenafly*, 2:00-cv-06051 (D.N.J.) (AKT) (Dkt. No. 89) (March 9, 2006).

³ See Order, *E. End Eruv Assoc., Inc.*, et al. v. *Town of Southampton*, et al., 13-cv-04810 (E.D.N.Y.) (AKT) (Dkt. No. 93) (Sept. 10, 2015); *Verizon New York, Inc.*, et al. v. *The Village of Westhampton Beach*, et al., 11-cv-00252 (E.D.N.Y.) (AKT) (Dkt. No. 157) (Sept. 10, 2015); Order, *Eruv Association, Inc.*, et al. v. *The Village of Westhampton Beach and The Village of Quogue*, No. 2:11-cv-02130 (E.D.N.Y.) (AKT) (Dkt. No. 287) (Mar. 9, 2016); *Verizon New York, Inc.*, et al. v. *The Village of Westhampton Beach*, et al., 11-cv-00252 (E.D.N.Y.) (AKT) (Dkt. No. 169) (Mar. 9, 2016); Order, *E. End Eruv Assoc., Inc.*, et al. v. *The Village of Westhampton Beach*, et al., 2:11-cv-0213 (E.D.N.Y.) (AKT)(Dkt. No. 295) (June 8, 2016).

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Respectfully submitted,

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